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BLINDING KASHMIRIS

The Right to Maim and the Indian Military Occupation in Kashmir

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India

Kashmir

occupation

Puar, Jasbir

right to maim

Since July 2016, Indian-administered Kashmir has again raged with mass protests favouring self-determination and freedom from India. In the protests more than ninety-eight people have been killed, over eleven thousand wounded, and more than eight hundred Kashmiris injured in the eyes or blinded by Indian troops using force against protestors and non-protestors alike. Since 1947, when the region was temporarily bifurcated between India and Pakistan, Indian-administered Kashmir has clamoured for a plebiscite, which the United Nations mandated so that the Kashmiri people could choose their own fate. The original options in the plebiscite were mergers with either of the two countries, but Kashmiris have increasingly demanded that a third option for an independent Kashmiri nation-state be added. While the majority of the Kashmiris seek independence, a small faction favours merger with Pakistan. Despite continuing demands for an independent nationhood – one that preceded the creation of India and Pakistan – Kashmir continues to be perceived simplistically as a bilateral dispute between the two nation-states. Using the analytic of "right to maim," this essay illustrates how the Indian state "blinds" Kashmiri subjects by perfecting a technology of punishment that produces bodies incapable of physical resistance and as a representational

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threat to the rest of society. By making maiming as a punishment central, this essay will examine India's control of the Kashmir valley as a de facto military occupation.

In the line of the pellet gun

In 2016 in Indian-administered Kashmir, Inshah Malik, a studious 14-year-old girl, was dreaming of becoming a doctor. Her only worry in life was how she would have to study intensely and have no time to spend with friends. One day, while she was inside her home, a protest against Indian rule raged outside. In the last decade, civilian uprisings in Kashmir against Indian rule have regularly broken out. The most recent uprising began in 2016 after Indian forces killed Burhan Wani, a popular 22-year-old militant from the Hizbul Mujahidin, an armed group. The entire Kashmir valley was plunged into protest and mourning. As news of the killing broke, a massive crowd joined Wani's funeral at Tral, his home district. Every city, town, and village in Kashmir came together to offer funeral prayers for the militant commander. The Masjid pulpits rang with Azadi (freedom) songs; demonstrations and street fighting flared up. In the protests that followed Wani's killing, more than ninety-eight people were killed and over eleven thousand were wounded (OHCHR 2018) by the retaliatory actions of the Indian troops. Inshah Malik was hit in the face by a blast of pellets shot by the forces of the Indian government. Her right eye was blown to bits and her left eye lost all perception of light. Inshah's face – blinded and disfigured – became emblematic of the Indian state's right to maim Kashmiris by the use of pellet guns (Kanjwal, Bhat, and Zahra 2018; Misri 2019). The term "pellet gun" invokes something less harmful than bullets. However, to be clear, it is a type of shotgun with a cartridge containing up to five hundred lead pellets that move at high velocity in all directions when fired. From a distance of thirty to forty metres, the pellets disperse to cover anything within a one-meter diameter. The pellets do not follow a definite path and upon contact they penetrate human skin. They can cause irreversible harm at any range; fired at close range they can shatter organs. The eyes, the most delicate of organs, are most vulnerable to damage. Once pellets penetrate the eyeball, they cause multiple injuries, often leading to blindness.

In 2010 the government of India introduced pellet guns in Kashmir as a "non-lethal" technology for crowd control. Hunters commonly use the pellet gun and experts reiterate it is not designed for crowd control (Perrigo 2018). Yet the narrative of "non-lethal" punishment around the pellet gun in India propagates the idea that this type of ammunition is incapable of causing fatalities and is somehow a humane form of control (Singh 2016). According to Amnesty International (2017), since July

2016, the year Inshah Malik was injured, pellet guns have injured over six thousand people – including 782 eye injuries. In 2016 the phrase "mass blindings" began to be associated with Kashmir when Indian government forces used disproportionate force on street protestors, which included the rampant use of pellet guns. The *New York Times* headlined a report on the massive injuries caused by pellet guns "Epidemic of Dead Eyes" (Barry 2016). Casualties in Kashmir have shown what Kashmiri doctor Raja Bilal (who works in Srinagar's main hospital and routinely attends to the injured) argues: "the pellet guns kill, and maim, and for the life of the maimed becomes worse than being killed. It is not non-lethal."[1] Human rights organizations like Amnesty International have decried the use of pellet guns and contend it is not non-lethal and its use must be halted (2017).

1 Personal communication; name changed for protection and privacy.

This essay argues the use of pellet guns by the government of India, which has maimed many Kashmiris to the point of living death, thus producing a damaged, debilitated, and distressed population, appears as what Jasbir Puar calls the state's biopolitical logic of will not to let die (2017). Writing about occupied Palestine, and the militarization of police in the United States, Puar states:

> Shooting to maim in order not to kill might appear as minor relief given the proclivity to shoot to kill … But oscillations between the right to kill and the right to maim are hardly haphazard or arbitrary. The purportedly humanitarian practice of sparing death by shooting to maim has its biopolitical stakes not through the right to life, or even letting live, but rather through the logic of 'will not to let die'." (Puar 2017, x)

Puar continues "the right to maim situates disability as a register of biopolitical population control, one that modulates which bodies are hailed by institutions to represent the professed progress made by liberal rights-bearing subjects" (xviii). Through the lens of Puar's argument, the use of pellet guns by the Indian government is not primarily about applying a "non-lethal" technology of punishment, but producing maimed bodies that will not be allowed to die, even as a living death is imposed upon them. Puar tells us in the context of Palestine that the Occupation's right to maim manifests as "shoot to cripple" to "preemptively debilitate the resistant capacities of another intifada, the next intifada" (129). Similarly, in Kashmir, while the standard operating procedures instruct government forces that pellet guns should be fired below the waist, the mounting eye injuries point to indiscriminate firing (Nair 2016) aimed to cause maximum debilitation. India's right to maim is aimed to produce a desperate and dependent population in Kashmir and to compromise their ability to resist the military occupation at a physical level. While not dead, the

survivors face a living death through the loss of bodily capabilities as well as economic and social status.

The continued use of the pellet gun by the Indian government illustrates the extreme hold that Indian military occupation exerts on Kashmiri bodies. More importantly, at the same time, the Indian government deploys the narrative of fine-tuning a "non-lethal" punishment as shorthand for projecting Kashmiris as rights-bearing citizens of a legitimate democracy. The narrative of "non-lethality," even as the killings of both combatants and non-combatants are continuing, is useful for the government of India to offset rampant allegations of extreme human rights violations. This came to a head when the UN's Office of the Commissioner for Human Rights published a report to illustrate what in effect are India's war crimes inside Kashmir. By making central the act of "maiming" by the government of India as a sovereign right, as opposed to outright killing, this essay illustrates how the Indian state has created a type of governance in Kashmir, which is made to appear as a democracy while it exists and behaves as a military occupation, and in which violence including outright killings, disappearances, incarceration, mass rapes, and blindings become possible without accountability. Since 1947 the Indian state has been fine-tuning a technique of governance in Kashmir implemented through a politics of democracy.

The term "politics of democracy" specifically illustrates that India utilizes the modes of a democratic system – primarily, elections – to extend and legitimize its right to govern (Zia 2019). At the same time, its other policy is that of intense militarization to curb the dissident Kashmiri population. Under authoritarian laws that give the military unlimited power over civilian lives, extreme human rights violations of combatant and non-combatant Kashmiris have been normalized. Such is the regularity and intensity of human rights violations that people accept them without even seeking redress from the authorities. It is proven that government forces will not be prosecuted and the law permits them to use indiscriminate and disproportionate force (Duschinski et al. 2018).

Puar describes the right to maim as a key element in the racializing biopolitical logic of security, which she studies in the context of global politics from Gaza to Ferguson. In Kashmir the racialization exists on the basis of the religio-cultural identity of Kashmiris, which in the Indian narrative is primarily constructed as the Muslim other. Elsewhere, I have illustrated the category of the "Muslim other" by analyzing how a Kashmiri body is constructed as a "deviant" and a "traitor" to Indian sovereignty and marked as "killable" in their nationalist imaginary and how the right to kill is wielded by the government with impunity and without remorse.[2] I have argued that the spectacle of the killable body is important for the consolidation of the nation-state project of India, and for concretizing

2 I have illustrated the construction of the Muslim other by

national opinion on its assertion of irrefutable sovereignty over Kashmir. However, in this essay, the context is not the Indian sovereign's right to kill, but the right to maim (even as the killings continue) and how this nuance is important to understand the masquerade of democracy in Kashmir, increased militarization, and the projecting of the Tehreek (Kashmiri resistance, both armed and unarmed) for Azadi (freedom) as anything but political. By providing a chronology of events pertaining to contesting Indo-Pak nationalisms over Kashmir, the following sections show how the postcolonial nation-state of India established and legitimized a military occupation in Kashmir (Osuri 2017; Bhan, Duschinski, and Zia 2018) in which suspending the basic human rights of Kashmiris, and perfecting technologies of punishment to suppress the dissenting population, is a norm.[3]

analyzing the case of a former Kashmiri militant, Afzal Guru, who was sentenced by the Indian Supreme Court to be hanged in 2013 "to satisfy the collective conscience of the Indian nation." Many Indian legal experts have called Afzal's hanging an outright flouting of judicial norms and gross neglect of the Geneva conventions and universal human rights. Supreme Court lawyers argued the case against Afzal was circumstantial at best and the investigation, upheld as sufficient to hang Afzal, was riddled with inconsistencies. See Zia (2018).

The Kashmir question

Despite continuing demands for independent nationhood, the Kashmir issue continues to be perceived simplistically as a bilateral dispute between two nations (Lamb 1991). The region is often stereotyped as "the offspring of bitterly divorced parents" (Fishlock 2002) wallowing between competing nationalisms. Thus, it is one of the longest, most underreported and misunderstood conflicts in South Asia. In 1947, when British India and the princely states were being partitioned, the Hindu Maharaja Hari Singh of the predominantly Muslim territory of Kashmir, which extended from Jammu province in the South to Gilgit Baltistan in the Northwest, remained undecided about acceding to either India or Pakistan. Even though there was a long-standing antimonarchy movement agitating against him, the Maharaja hoped to keep control of his state and remain independent. While the majority of Kashmiris wanted an independent sovereign democratic state, the partition plan deemed they join either India or Pakistan (Whitehead 2008, 26–27).

While fleeing the restive valley, the Maharaja decided to accede to India. The accession was both fraught and temporary until a UN-mandated plebiscite was held. In the following years, even though the UN arbitrated various plebiscite proposals, they all failed due to the competing claims of the two contesting countries. The succeeding monarch of Kashmir proclaimed the formation of a constituent assembly (see Rai 2018). This mechanism paved the way for elections and negotiating Article 370 with the government of India. Article 370, also known as the special status, allowed Kashmir to maintain autonomy in all matters, except defense, currency, and foreign affairs. More importantly, as a quasi-sovereign nation, it also retained a separate constitution and a separate flag. This level of autonomy did not assuage the

3 Some of the scholars of the Kashmir region from across disciplines whose detailed analyses have informed this essay are Noorani (1964, 2014), Lamb (1991, 1997), Schofield (1996, 2004), Bose (1998, 2004, 2007), Snedden (2013), Rai (2004), Chatterji (2010), Zutshi (2004), Robinson (2013), Duschinski (2010), Bhan (2013) , Junaid (2013a, 2013b), Osuri (2017), Duschinski and Ghosh (2017), and Duschinski et al. (2018).

majority of Kashmiris. They saw it as part of the policy of the Indian government to annex the territory completely by proffering legal statutes; which is exactly what followed.

In 1948 the first full-scale war broke out between the two newly independent countries of India and Pakistan over Kashmir. India took the issue to the UN, promising to hold a plebiscite. The UN brokered a 485-mile-long ceasefire line (later renamed the Line of Control or LoC) that split the region in two. One-third of the territory, including the far northern and western areas, along with Gilgit-Baltistan, ended up as a semi-autonomous entity administered by Pakistan, known as Azad Jammu and Kashmir (AJK). The remaining two-thirds of the region, including the valley of Kashmir and the provinces of Jammu and Ladakh, came under Indian control.[4]

4 In East Ladakh, Aksai Chin is a 38,000 sq km area, of which 5,180 sq km is under Chinese control.

The continuing Indian discourse surrounding the Kashmir dispute holds Pakistan responsible for violence and war, while it portrays its own diplomatic and militaristic policies and subsequent governance of the region as benign and legal (Lamb 1991). However, revisionist scholars of the region provide evidence of India's territorial ambitions and its military aggression, and illustrate that India continues to maintain a selective silence on its own military's brutalities, and the discrepancy in the accession document and its legality (Lamb 1991; Schofield 1996; Snedden 2013; Osuri 2017). Emerging scholarship on the region counters the Indian discourse that subsumes Kashmir's historical demand for a democratic sovereignty and challenges the reductive and ahistorical portrayal of the Kashmiri Tehreek as Pakistan's proxy war or reducing it to the erroneous stereotype of "Islamic terrorism" or relegating it to a domestic law and order situation (Duschinski et al. 2018).

The Indian military occupation of Kashmir

In 1989 the people living in the Indian-held part of Kashmir supported the rise of an armed insurgency, which hasn't paused since, despite the deployment of more than seven hundred thousand Indian troops in the region.[5] With a population of approximately 5.5 million, it is estimated that there is one soldier for every eighteen Kashmiris, making Kashmir one of the world's most militarized regions. Human rights organizations claim that more than seventy thousand people have been killed in counterinsurgency operations, more than eight thousand forcibly disappeared, and more than sixty thousand subjected to custodial torture (Duschinski 2010; Kazi 2010; Mathur 2012, 2016).

5 The government of India has not released any official figures, but these numbers are derived from various credible sources. See Kak (2010).

In 1990 India implemented an emergency law known as the Armed Forces (Special Powers) Act 1958 (AFSPA), which gives the military supreme control over the region (Amnesty International 1999, 2011). The Act creates conditions enabling soldiers to

> arrest without warrant, any person who has committed a cognizable offence or against whom a reasonable suspicion exists that he has committed or is about to commit a cognizable offence and may use such force as may be necessary to effect the arrest, including the power to shoot to kill. (Amnesty International 1999; Human Rights Watch 2006, 2011)

With such overarching powers, AFSPA has enabled arbitrary arrests and detention, rapes, enforced disappearances, and extrajudicial executions, thus reinforcing the impunity of offenders. Since 1947, the centrality of the army's role in India's administrative control over Kashmir is symbolic of the illiberal and ill-founded democratic system prevalent inside Kashmir.[6] Given high military spending, increasing military forces, the perpetual threat of war with Pakistan, and actual fighting on the borders periodically, Kashmir has become a "war system" (Goldstein 2001). In a war system, war is less a series of events than a system with continuity through time. Thus, amid the simmering political and military tension between India and Pakistan, and the deepening militarization, Kashmir is in a permanent state of emergency. The Public Commission on Human Rights (2007) has called the governance of Kashmir as being tantamount to proxy military rule because the civil administration is run with the aid of two military corps commanders. Other observers have called Indian control over Kashmir by varied nomenclature, from a farce for most of six decades (Swaminathan 2008) and a terminal colonial situation (Lamb 1991), to an outright military occupation (Mishra et al. 2010; Bhan, Duschinski, and Zia 2018).

6 On the question of illiberal democracy, see Peer (2017).

The Saga of legal annexation

In 1951 India instituted a policy of legitimizing its military occupation by planning the establishment of a permanent government through holding elections for a constituent assembly. This political formation would establish a government through negotiating a special status with India. Pakistan protested against the elections. The United Nations Security Council (UNSC) warned India that the Kashmir issue was "still sub-judice and deemed the course of action out of order" (Lamb 1991, 175). With support from National Conference a local party that had strong pro-India allegiance and its collaborators, Indian nevertheless held the illicit elections. The results were unsurprisingly rigged in favour of the National Conference. While the UN investigated the election malpractice, it also continued efforts to explore possibilities for demilitarization and a plebiscite. During the 1960s the deepening Cold War sidelined the UN intervention. Subsequent governments in Kashmir were

predetermined to favour Indian integration and they brutally suppressed the demands for a plebiscite.

The Indian government had begun to impose presidential orders on Kashmir. Through this mechanism, Indian citizenship and the fundamental rights charter were extended to Kashmir (Lamb 1991; Bose 2004). The Indian fundamental rights charter permits preventive detention to curb threats to national sovereignty or public order. This charter became a major tool for the Indian government to crack down on Kashmiri dissenters and activists espousing the cause of independence and the plebiscite (Noorani 2014). Thus started the process of a steady erosion of Kashmir's autonomy and criminalization of the demand for a plebiscite and independence. Duschinski and Ghosh (2017) term the Indian government's policy of legal incorporation of the region that "became sedimented through the work of the courts across time" (314) as "occupational constitutionalism."

India had portrayed flawed elections conducted since 1951 as a legitimate means for establishing an electoral democracy for governing Kashmir, thus categorically refuting the option of a plebiscite. The majority of the elections held in Kashmir have been brazenly rigged to favour political parties who support integration with India (Lamb 1991; Qasim 1992; Bose 2004; Kazi 2010). The process that the Indian government has devised to establish its administration in Kashmir through such electoral democracy has been termed "subverted and permanently retarded" (Bose 1998, 27).

Since the 1950s, the Indian government has adopted a policy of incarcerating and harassing dissident leadership, disqualifying governments perceived as adversarial, and largely repressing the movement for the plebiscite self-determination. Law and policies in place are geared towards suppressing, not just the armed struggle, but also civil resistance, which has been increasing since 2008 and reached an intense peak in the summer of 2016 when Inshah Malik was injured. The people are not able to network and organize openly to pursue the political goal of self-determination in a civil manner. The basic fundamental rights chapter of the state's constitution, which stands modified under presidential decree in the interest of India's security, leaves Kashmiri residents with no constitutional guarantees for judicial review and little protection for their basic rights as citizens (Noorani 2014).

Administrative detention has a long history in Kashmir to suppress dissent. It was first invoked as the J&K Public Security Act in 1946 and its current version is the Public Safety Act (1978), which Amnesty International (2011) called a "lawless law" because of its rampant use in Kashmir. Thus, the basic rights of the electorate as citizens, which go hand in hand with a democratic system, are fraught not only in implementation but, in the absence of a plebiscite, they also become inherently unwarranted as a means of establishing governmental authority in Kashmir.

Managing Kashmiri dissent

Genuine democratic rule arises from the principles of majoritarian will, political participation, healthy contestation, and inclusiveness (Dahl 1971). In Kashmir these basic tenets of democratic governance are compromised from the very start. A democratic system would have been built on the results of the plebiscite, which never happened. The Indian rule undergirded by the military propped a temporary and emergency administrative set-up in the aftermath of the 1947 partition. Scholars observe that Indian policy in Kashmir has been marked with sustained anti-democratic, authoritarian practices (Bose 1998, 2004, 2007; Noorani 2014; Osuri 2017). The rigged elections became an instrument for installing governments favouring India, but are not an alternative to the right of self-determination. Since 1947 itself the right to dissent in Kashmir has been curbed. People cannot network and organize to pursue their ideals of self-determination and independence in a lawful manner. The political contestation for the issue of self-determination is not allowed to exist. Civilians cannot meet and discuss their views on the resistance movement and allied political issues without fear of persecution by the government.

In 1987 Kashmiris persisting in seeking a solution to the dispute under the UN mandate formed a political party named the Muslim United Front (MUF). They decided to fight elections and raise the question of the Kashmir dispute in the legislative assembly. The motif of their election campaign became wearing shrouds "Kafan Posh" to convey their "do or die" attitude in solving the Kashmir dispute. Despite massive public support, the MUF lost the elections. Unsurprisingly, National Conference, the political party that favours integration with India, won due to large-scale vote rigging. In the ensuing protests government forces killed four people and arrested the MUF cadre (Lamb 1991; Bose 1998).

The only politics that is allowed to flourish in Kashmir is pro-India. Thus, most political parties stand for full integration with India or greater autonomy for Kashmir, going as far as asking for restoration of the original status *vis-à-vis* India in 1953, but not beyond. Many leaders of the Tehreek who are part of the Hurriyet (Freedom) Conference, a conglomerate of twenty-eight resistance parties formed in 1991, are often incarcerated, harassed, and placed under restrictions. The media are habitually censored and media men and publications are often harassed (Reporters without Borders 2013; OCHCR 2018). Recent years have seen increased attacks on media through incarceration and targeted violence. Journalists have been accused of reporting on militants and of having contacts with the resistance movement. The National Investigation Agency (NIA) of India has issued notices to editors ordering them to explain reporting done by their journalists (Naseem 2018). Journalists have also been targets of violence by government forces. In 2016 seventeen

journalists were injured, including two who were targeted with pellet guns. One of the journalists was partially blinded (Misgar 2017). Such violence continues. In January 2019 Reporters Without Borders (RSF) issued a statement calling on the Indian authorities in Kashmir to "investigate the behaviour of police who deliberately fired shotgun pellets at photojournalist [*sic*], injuring four of them, and to ensure that the security forces cease to use shotgun pellets against journalists in future" (Reporters without Borders 2019). Full-fledged gagging of the local media, the Internet, and mobile phones is also recurrent. The Indian government also heavily curtails the use of social media by ordinary Kashmiris. In 2018, David Kaye, UN Special Rapporteur, wrote a letter to Twitter expressing his concern about the increasing censorship on Kashmir-related content. In the past few years the Indian government has constantly reported tweets and accounts of Kashmiris for violating the country's Information Technology Act. This Act censors online content that is designated as posing a threat to security, sovereignty, integrity, or defense of India (Manve 2017). Censorship of Kashmiris on Facebook has also become rampant (Angwin and Grassegger 2017).

Elections themselves are an intense and tough time for the Kashmiri populace ("JK Seeks 56,500 Security Force Personnel Assembly Polls" 2014). The presence of government troops is disproportionate, which impedes public movement through patrols and curfews. Troops have often been accused of placing restrictions and forcing people to vote (Bose 2004; Junaid 2013a). The elections are largely boycotted by the Muslim Kashmiris, partly due to a ban by resistance leaders and militant outfits. There is a general disenchantment with the electoral process, which is seen as a sly substitute for a plebiscite that is rigged and full of malpractice. The documented turnout in Srinagar has been as low as 10 per cent (Constable 2004); in 2017 only 7 per cent and 2 per cent of people voted. This became historic in revealing the complete disenchantment of the Kashmiri people with the imposition of Indian electoral democracy. After the 2016 uprising the majority of Kashmiris who boycotted elections took to the streets demanding self-determination. For the first time since 1947 the Indian government decided to postpone the next phase of polling.

The people of Kashmir see the process of elections as one that maintains the status quo with India and undermines the UN resolutions. They have vociferously dismissed it as an irrelevant exercise in achieving the final settlement of Kashmir. Despite these opinions, the elections in the last seven decades have also become part of the Indian political repertoire for installing a governing apparatus in the region. Most of my research partners – especially those born in the early 1970s and after – had never voted. One 44-year-old Kashmiri who has never voted said: "not voting is my right." And those who did vote said that they voted for "bijli, sadak, pani / electricity, roads and water." A common analysis categorizes the politics that exists in Kashmir

into two categories: one that pertains to day-to-day civil governance and another to the resolution of the Kashmir dispute. Thus, people who decide to vote mostly do it to access civil governance and it is not an indication of giving up their demands for self-determination and certainly is not an endorsement of the accession to India.

The state of siege

Efforts to legalize the Indian administration through constitutional amendments have also eroded Kashmir's special status. The concerted use of elections while the option of a plebiscite is negated and the human rights and civil liberties of people are curbed have seriously compromised every aspect of the rights of the Kashmiri people. The Indian state normalizes the intense militarization by propagating the idea that the Kashmiri resistance movement for self-determination and independence is outdated or even illegal and underwritten by Pakistan. In short, Kashmiri resistance is portrayed as instigated from outside, or "a mere insurgency" (Chatterji 2010, 95). Most political analysis in India on the "Kashmir issue", which draws only from the dominant narrative of the India–Pakistan dispute, ignores Kashmir's indeterminate status mandated by the UN. Thus, Kashmir is projected as a mere territorial issue, while ignoring the Kashmiri people and criminalizing their demand for self-determination and independence. The amalgam of parliamentary democracy engineered by checkered politics and extra-parliamentary violence manifests strongly in India's policy in Kashmir. The Indian administration is increasingly revealed as a military occupation (Mishra et al. 2010) wherein faces and bodies disfigured and blinded like that of Inshah's become normalized and even expected.

Since 1989, India has suffered an image problem due to its dismal human rights record in Kashmir. Despite being sidelined by India in the 1960s, the UN has often observed human rights violations in Kashmir. In 2018, after a remote investigation, the OHCHR released a "Report on the Situation of Human Rights in Kashmir." The report came in the aftermath of the extreme state violence of the year 2016, during which Inshah was blinded. The report documents the human rights violations occurring on both sides of the Line of Control, with specific focus on Indian-held Kashmir. More importantly it emphasizes the implementation of a lasting solution by consulting the Kashmiri people (United Nations 2018).

India has always projected its "administering" of Kashmir as legal and its military as the saviours of Kashmiris rather than occupiers. The nature of civil administration produced through questionable elections right from 1951 and the historically hegemonic role of the military undergird the "terminal colonial situation" in Kashmir (Lamb 1991). The patina of democracy

that India has given Kashmir over the last seventy years is fast eroding. In an increasingly militarized governance the right to maim enables a discourse around "non-lethal" punishment, which permits the Indian government to project Kashmiris as rights-bearing citizens who should not be killed, as if preserving life inside injured bodies is a hallmark of democracy in Kashmir. The only mode in which "democracy" as a process is manifested is through the elections, which the Indian government has made pivotal for establishing its rule in Kashmir, subsequently eroding the valley's special status and subsuming the demand for a plebiscite and self-determination. While the extreme suppression of the Kashmiri people's demand is an Indian policy to consolidate India's borders in contestation with Pakistan, it should also be read as an affirmation of the long-standing political aspiration for independence and self-determination of Kashmiris. The right to maim through application of so-called "non-lethal" punishment, rather than indicating rights-bearing citizens, manifests India's rank power on Kashmiri bodies that seeks their unquestioning obedience to its rule.

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